

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ERIC JACKSON, *et al.*,

Plaintiffs,

v.

ALEJANDRO N. MAYORKAS,
Secretary of Homeland Security, *et al.*,

Defendants.

Case No. 4:22-cv-0825-P

SUPPLEMENTAL APPENDIX TO DEFENDANTS' MOTION TO DISMISS

CONTENTS

Document	Bates Number
Declaration of Michael Lemorie	001

* * *

Dated: April 14, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

ALEXANDER K. HAAS
Branch Director

ANTHONY H. COPPOLINO
Deputy Branch Director

/s/ Cody T. Knapp
CODY T. KNAPP (NY Bar #5715438)
JOHNNY H. WALKER (D.C. Bar #991325)
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW, Rm. 12304
Washington, D.C. 20530
Tel.: (202) 532-5663 / Fax: (202) 616-8460
Email: cody.t.knapp@usdoj.gov

Counsel for Defendants

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**ERIC JACKSON, ALARIC STONE, and
MICHAEL MARCENELLE**, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

ALEJANDRO N. MAYORKAS, in his official
capacity as Secretary of Homeland Security,
LLOYD J. AUSTIN, III, in his
official capacity as Secretary of Defense,
LINDA L. FAGAN, in her official
capacity as Commandant of the Coast Guard, and
BRIAN K. PENOYER, in his official capacity
as Assistant Commandant for Human
Resources of the Coast Guard,

Defendants.

Case No. 4:22-cv-00825-P

DECLARATION OF MICHAEL LEMORIE

I, Michael Lemorie, hereby state and declare as follows:

1. I am a civilian employee of the United States Coast Guard currently serving as the Program Manager, Coast Guard Military Human Resource Record Section (CGMHRR), Business Operations Division, Coast Guard Personnel Service Center. The CGMHRR Section documents the careers of Coast Guard military members by executing a comprehensive, coordinated, and sustained human resource records management program using the interactive Personnel Electronic Records Management System (iPERMS). The CGMHRR Section is responsible for maintaining all active-duty officer and enlisted and Reserve officer and enlisted CGMHRR records in accordance with National Archives and Records Administration guidelines and Coast Guard policy. I have served as the program manager since June 2015 and brought to

this job 11.5 years of USAF Active Duty service, in which the last 6 of those years were in Military Manpower and Personnel Management. I make this declaration in my official capacity based upon my personal knowledge and upon information that has been provided to me in the course of my official duties.

2. On February 4, 2023, the Acting Assistant Commandant for Human Resources (CG-1), Dr. Donna M. Navarro, signed a memorandum directing the Coast Guard PSC to remove all CG-3307 (P&D-41(series)), administrative remarks referencing the Coast Guard's COVID-19 vaccine requirement from active duty and reserve service members' personnel data records. The memorandum established an order of priority for the removal of the CG-3307s.

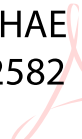
3. On February 27, 2023, the Coast Guard PSC issued ALCGPSC 024/23 notifying members that the estimated completion date for removing all administrative remarks referencing the Coast Guard's COVID-19 vaccine requirement was March 31, 2023. Members were further directed to contact their servicing personnel and administrative office to request removal if their record still contained administrative remarks referencing the Coast Guard's COVID-19 vaccine requirement after March 31, 2023.

4. On April 12, 2023, I reviewed the military personnel record of BM1 Eric B. Jackson. I noted a single CG-3307, Performance & Discipline (P&D 41-A) regarding the requirement to get vaccinated against COVID-19 dated September 09, 2021. I removed that record and replaced it with the February 4, 2023, memorandum signed by the Acting Assistant Commandant for Human Resources (CG-1), Dr. Donna M. Navarro. I did this to document the authority for changing this federal record similar to how changes to military records ordered by the Board for Correction of Military Records are documented and to comply with federal record keeping requirements. While a military member and authorized Record Managers can see the

memorandum when viewing the military personnel record through iPERMS, the memorandum is not viewable by most others; specifically including the members of promotion boards and assignment panels and therefore would not be data used during the promotion, advancement, or selection panel process.

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of April 2023.

LEMORIE.MICHAEL.RICHARD.12582
25690



Digitally signed by
LEMORIE.MICHAEL.RICHARD.1
258225690
Date: 2023.04.13 07:50:18
-04'00'

Michael Lemoire
Program Manager CGMHRR
Coast Guard Personnel Service Center